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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/613,003 | 07/07/2003 | Louis Richard Eaton | 3918-0153P | 4490 |
| 2292 | 7590 | 02/22/2005 | EXAMINER | |
| BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747 | | | ADAMS, GREGORY W | |
| | | ART UNIT | PAPER NUMBER | |
| | | 3652 | | |

DATE MAILED: 02/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|------------------------------|----------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/613,003 | EATON, LOUIS RICHARD |
| | Examiner Gregory W. Adams | Art Unit 3652 |

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-9 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 07 July 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>7/7/03</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Referring to claim 1, line 5, "pivotally connected" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. See also Specification page 4, line 10, lacking a corresponding reference character.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With respect to line 5 it is unclear whether a bed, track or carriage is pivotally connected to a frame.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Murrill (US 5,108,248).

6. With respect to claim 1-2, referring to FIGS. 1-9 Murrill '248 discloses a carrier for raising a conveyance 10 comprising a frame 20 which includes a pair of stringers 22, 24, 34 and first post 16, 100a-b, second post 40, 52, and third post 38a which extend upward from a stringers 22, 24 34, and means for attachment to a vehicle (col. 3, Ins. 45-60), carriage 15, bed 12 having a track 12a-c, upon which a carriage 15 slides, where a bed 12 is pivotally connected (col. 5, Ins. 49-60).

7. With respect to claim 3, referring to FIGS. 1-9 Murrill '248 discloses a carrier 10 further including a stirrup 102 attached to a third post 38a and supporting a bed 12.

8. With respect to claim 4, referring to FIGS. 1-9 Murrill '248 discloses a carrier 10 further including a horizontal rod 96 slidingly connected to a first post 100a, 100b (it is noted that horizontal slides with respect to bed 12 and first posts 16,17) on each stringer 22, 34.

9. With respect to claim 5, referring to FIGS. 1-9 Murrill '248 discloses a carrier 10 further including a hoist 14 attached to a bed 12 and an elongated conveyance-drawing means 11, 12, 12a-c.

10. With respect to claims 8-9, referring to FIGS. 1-9 Murrill '248 discloses a carrier conveyance travels over water over land. Col. 1, Ins. 5-65.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murrill (US 5,108,248) in view of claim 1 above, and further in view of Kehne (US 5,152,657). Murrill '248 discloses a carrier 10 further including a hitching post 15 connected to a carriage 15, and a rope 11, 82 connected to a carriage 15. Murrill does not disclose an upstanding extendible arm having a sheave and notched stop. Referring to FIGS. 1-6, Kehne '657 discloses a hitching post comprising an upstanding extendible arm having lower section 17 and upper section 21, sheave 50, and notched stop 23. Kehne replaces the hitching post of Murrill '248 for transfer of water vehicles over land,

supplying forward keel support, reducing boat hull strain and helping to prevent hairline cracks in a water vehicle hull. Col. 1, Ins. 5-30. Therefore, it would have been obvious to one skilled in the art to modify the hitching post of Murrill to include an upstanding extendible arm having a sheave and notched stop, as per the teachings of Kehne, for transfer of water vehicles over land, supplying forward keel support, reducing boat hull strain and helping to prevent hairline cracks in a water vehicle hull.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 5,853,279 to Neugebauer
US 5,921,741 to Heimgartner
US 5,829,945 to Stanley
US 5,071,308 to Tibbet
US 4,234,285 to Martinez
US 3,927,779 to Johnson
US 3,170,583 to Meyer
US 3,128,893 to Jones

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory W. Adams whose telephone number is (703) 305-0555. The examiner can normally be reached on M-F, 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached on (703) 308-3248. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



EILEEN D. LILLIS
SUPERVISORY PATENT EXAMINER
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GWA